

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES CARLSEN,

Plaintiff,

v.

MARK DAVID LATUNSKI,

Defendant.

Case No. 2:20-cv-11517

HONORABLE STEPHEN J. MURPHY, III

ORDER DISMISSING CASE

Plaintiff's attorneys moved to withdraw, ECF 35, and the Court granted their motion, ECF 37. The Court required Plaintiff to either (1) retain new counsel and have that counsel file an appearance; or (2) file a notice to proceed pro se. ECF 37, PgID 283. Plaintiff had until February 21, 2022 to comply with the Court's order. *Id.* The Court informed Plaintiff that failure to comply with the Court's order would result in dismissal of the case without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute the matter. *Id.*

Plaintiff has neither retained new counsel that has filed an appearance on the docket nor filed a notice to proceed pro se, and the deadline to do so has passed. The Court will therefore dismiss the case without prejudice under Rule 41(b) and Local Rule 41.2. Plaintiff's motion to preserve Defendant's asserted privileges at trial for adverse inferences against Defendant, ECF 28, is denied as moot.

WHEREFORE, it is hereby **ORDERED** that the case is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that Plaintiff's motion to preserve [28] is
DENIED AS MOOT.

This is a final order that closes the case.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: February 22, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 22, 2022, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager